

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In Re: **Chapter 13**
DAVID FONSECA **Case No. 16-23135 (RDD)**
Debtor.

-----X
ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)

Upon the motion, dated May 23, 2017 (the “Motion”), of Bayview Loan Servicing, LLC (with any subsequent successor or assign, the “Creditor”), for an order, pursuant to section 362(d) of title 11 of the United States Code (the “Bankruptcy Code”), vacating the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code as to the Creditor’s interests in 147 Chalford Ln, Scarsdale, NY 10583 (the “Property”) to allow the Creditor’s enforcement of its rights in, and remedies in and to, the Property; and due and proper notice of the Motion having been made on all necessary parties; and the Court having held a hearing on the Motion on August 23, 2017; and there being no opposition to the Motion; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED that the Motion is granted as provided herein; and it is further

ORDERED that the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is vacated under section 362(d)(1) of the Bankruptcy Code as to the Creditor’s interests in the Property to allow the Creditor’s enforcement of its rights in, and remedies in and to, the Property, including, without limitation, loss mitigation, foreclosure and eviction proceedings; and it is further

ORDERED that the Creditor shall promptly report and turn over to the chapter 13 trustee and any successor thereto any surplus proceeds of the Property.

Dated: White Plains, New York
August 28, 2017

/s/ Robert D. Drain
Hon. Robert D. Drain
U.S. Bankruptcy Judge